

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|---------------------------------|---|----------------|
| ROBERT D. KLINE, J.D., | : | |
| | : | |
| | | |
| Plaintiff, | : | Case No. _____ |
| v. | : | |
| | : | Judge_____ |
| NORTHCENTRAL UNIVERSITY, INC. : | | |
| and GEORGE BURNETT, | : | |
| Defendants. | : | |
| | : | |

DEFENDANT'S NOTICE OF REMOVAL

Defendants Northcentral University, Inc. (“Northcentral”) and George Burnett (“Burnett”) (collectively “Defendants”), pursuant to 28 U.S.C. §§ 1441(a) and 1446, file this Notice of Removal in the above-captioned action from the Court of Common Pleas of the Commonwealth of Pennsylvania, Mifflin County, to the United States District Court for the Middle District of Pennsylvania, based on the following grounds:

1. Plaintiff commenced this action on or about January 16, 2019, by filing a Complaint in the Court of Common Pleas of the Commonwealth of Pennsylvania, Mifflin County. The Complaint is captioned *Robert D. Kline, J.D. v. Northcentral University, Inc., & George Burnett*, Case No. CV-908-2018. A copy of the Complaint is attached as **Exhibit A** as required under 28 U.S.C. § 1446(a). Attached as **Exhibit B** is the docket sheet of the Court of Common Pleas, Philadelphia County.

2. This action is properly removable under 28 U.S.C. § 1441(a), because the United States District Court has original jurisdiction pursuant to 28 U.S.C. § 1331, which provides that “The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

3. Plaintiff’s Complaint alleges that Defendants violated the Telephone Consumer Protections Act, (“TCPA”), 47 U.S.C. 227 et seq. by utilizing an automatic telephone dialing system (ATDS) to solicit “sales of university studies and career guidance”.

4. By asserting claims under federal law, namely, the TCPA, Plaintiff’s Complaint asserts a federal question under 28 U.S.C. §1331. Accordingly, this case is removable under 28 U.S.C. § 1441(a).

5. Removal is timely under 28 U.S.C. § 1446(b) because Defendants are removing the case within 30 days after the receipt by Defendants, through service or otherwise, of a copy of the Complaint.

6. Venue is proper in the Middle District of Pennsylvania because the case is being removed from the Court of Common Pleas of the Commonwealth of Pennsylvania, Luzerne County. *See* 28 U.S.C. § 1446(a).

7. Pursuant to 28 U.S.C. § 1446(b)(2)(A), both Defendants join in and consent to the removal of this action.

8. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be promptly filed with the Court of Common Pleas of the Commonwealth of Pennsylvania, Mifflin County and a copy of same served upon Plaintiff. A true and correct copy of the proposed Notice is attached hereto as **Exhibit C**.

Respectfully submitted,

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

DATED: February 18, 2019

By: /s Cory E. Ridenour
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*Counsel for Defendants
Northcentral University, Inc.
and George Burnett*

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of February, 2019, Defendants North Central University, Inc. & George Burnett's Notice of Removal was served via First Class, U.S. Mail postage prepaid on Plaintiff at the following address:

Robert D. Kline, J.D.
2256 Fairview Road
McClure, PA 17841

/s/ Cory E. Ridenour
Cory E. Ridenour

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